REMARKS

The Office Action dated July 27, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-34 and 36-47 are currently pending in the application, of which claims 1, 24, and 47 are independent claims.

Claims 14 and 37 were indicated as containing allowable subject matter, but were objected to as depending from rejected base claims. Applicant thanks the Examiner for this indication of allowability. The base claims, however, from which claims 14 and 37 depend, should be allowed for the reasons set forth below. It is, therefore, respectfully requested that the rejection of claims 14 and 37 be withdrawn.

Claims 1-4, 6, and 15-23 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0093545 of Liu et al. ("Liu"). Applicant respectfully traverses this rejection.

Claim 1, upon which claims 2-23 depend is directed to a method including establishing a mobile packet data connection for a subscriber. The method also includes establishing, over said established mobile packet data connection, a streaming connection comprising a continuous media stream configured for real-time playback between said subscriber and a streaming source. The method further includes terminating the streaming connection between said subscriber and said streaming source. The method

additionally includes measuring a duration of said continuous media stream. The method also includes charging said streaming connection based on said measured duration of said continuous media stream.

Applicant respectfully submits that Liu fails to disclose or suggest all of the elements of any of the presently pending claims.

Liu generally relates to a method and system for downloading data to a portable electronic device. More specifically, Liu discusses an arrangement for downloading data to a portable electronic device, in which the arrangement enables a terminal user to login from anywhere to a service management center through a wired (*e.g.* a computer device) or a wireless (*e.g.* a WAP telephone) network connection. This, in turn, allows the user to manage and browse e-books (and/or *e.g.* pictures, images, sounds, etc.), as well as to download required e-books.

As described at paragraph [0020] of Liu, an e-book file required by a user of a cellular phone 11 is divided into file sections according to transmission bandwidth, and the divided sections are converted into a displayable format of the cellular phone 11. Then, the divisions of the e-book file are transmitted in sequence.

Next, as described at paragraph [0023] of Liu, the cellular phone 11 receives the divisions in stack manner, and places them into a download storing region 110. For reading, a decoding module 111 receives the divisions from the download storing region 110 in sequence and decodes the divided e-book file. Then, the decoded e-book file is displayed by a reading platform 112.

Claim 1 recites, in part, "establishing, over said established mobile packet data connection, a streaming connection comprising a continuous media stream configured for real-time playback between said subscriber and a streaming source." Liu fails to disclose or suggest at least this feature of claim 1.

The Office Action took the position that this feature is disclosed by Liu in Figure 1 and at paragraphs [0015] and [0016]. The cited passages, however, make no mention of establishing "a streaming connection comprising a continuous media stream configured for real-time playback between said subscriber and a streaming source," as recited in claim 1.

Indeed, as can be seen from the discussion above, Liu fails to teach or suggest a streaming connection comprising a continuous media stream configured for real-time playback. Rather, Liu merely discloses an e-book file download that is non-streaming and not configured for real-time playback. <u>Since all the divisions of the e-book file must be downloaded and decoded before the e-book file can be displayed, the playback of the e-book is non-real-time.</u> Consequently, the connection on which the e-book file is being downloaded is non-streaming.

The well established meaning of "streaming media" or "media stream" within the art (at the time the invention was made, at the time the application was filed, and at the present time) is that the terms relate to media that is continuously received by and displayed to the end-user <u>while</u> it is being delivered by the provider. An e-book file that is displayed after being delivered is not "streaming media" as understood by a person of

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ordinary skill in the art. For example, techdictionary.com (retrieved on October 29, 2007, from http://techdictionary.com/ using the search term "streaming") defines "streaming" as: "Playing audio or video immediately as it is downloaded from the Internet, rather than storing it in a file on the receiving computer first. Streaming is accomplished by way of web browser plug-ins, which decompress and play the file in real time; a fast computer and fast connection are necessary." That such an interpretation, which is the broadest reasonable interpretation of the term "streaming media" and/or "media stream," is the correct interpretation is reinforced by the term "real-time playback," which makes little sense unless "streaming media" and/or "media stream" is correctly understood.

Claim 1 also recites, "establishing a mobile packet data connection for a subscriber." Liu further fails to disclose or suggest at least this feature of claim 1, because Liu merely discloses using a WAP cellular phone.

It should be understood that a WAP cellular phone does not require a packet data connection. Instead, a WAP cellular phone can utilize, for example, Short Message Service (SMS) messages. Dividing the e-book file into sections strongly suggests to an ordinarily skilled artisan that SMS messages (rather than a packet data connection) should be used (since the sections would be able to fit into SMS messages, unlike an entire e-book). See, for example, paragraphs [0004] and [0022] of Liu. Thus, there is not only no explicit disclosure or suggestion of establishing a packet data connection, the teaching of division into sections teaches away from establishing a packet data connection in favor, instead, of using SMS messages.

Accordingly, it is respectfully requested that, for each of the reasons set forth above, the rejection of claim 1 be withdrawn.

Claims 2-4, 6, and 15-23 depend from and further limit claim 1. Each of claims 2-4, 6, and 15-23, therefore, recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that the rejection of claims 2-4, 6, and 15-23 be withdrawn.

Claims 7-8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Patent Application Publication No. 2006/0048669 of Kinno et al. ("Kinno"). The Office Action took the position that Liu discloses many of the features of claims, but cited Kinno to remedy certain deficiencies of Liu with respect to the additional limitations of claims 7-8 and 10. Applicant respectfully traverses this rejection.

Claims 7-8 and 10 depend from and further limit claim 1. At least some of the deficiencies of Liu with respect to claim 1 are discussed above. Kinno cannot remedy the above-identified deficiencies of Liu, and consequently the combined disclosures of Liu and Kinno cannot provide all of the elements of any of any of the presently pending claims.

Kinno generally relates to an information delivery system, an information delivery method, an information delivery server, and a content delivery server and client terminal. More specifically, Kinno discusses a multimedia content delivery arrangement wherein multimedia content is delivered by streaming from a content delivery server to a client

terminal. Kinno was only cited for the purpose of features in the dependent claims related to time stamps. Accordingly, it is unsurprising that Kinno fails to remedy Liu's deficiencies with respect to independent claim 1

Furthermore, it would not have been obvious to include either a real-time playback feature or a streaming connection in Liu, because of the media that Liu is seeking to provide. Liu is seeking to provide e-books, but one of ordinary skill in the art would have seen no reason to provide e-books on a "real-time" basis, as one of ordinary skill in the art would have tended to view e-books as having essentially static and non-time-sensitive content. Accordingly, even if other art existed (not admitted) that would teach the features of claim 1 that Liu does not, one of ordinary skill in the art would not have found motivation to use such features in combination with the features of Liu, because there would not have been any expected anticipation that the results of adding the complexity of real-time stream capabilities would have been beneficial to readers of e-books, the main thrust of Liu's concern.

Thus, it is respectfully submitted that the combination of Liu and Kinno fails to disclose or suggest all of the elements of any of claims 7-8 and 10, and it is respectfully requested that the rejection of claims 7-8 and 10 be withdrawn.

Additionally, in view of Kinno's filing date of August 25, 2005, Applicant respectfully asserts that Kinno *as U.S. Patent Application Publication No. 2006/0048669, published March 9, 2006,* is not proper prior art under 35 U.S.C. 102(e) (or any other section) because it was both filed and published after the filing date of the present

application. Applicant notes that Kinno is related to U.S. Patent Application No. 10/359,662, which apparently was filed on February 7, 2003, shortly before the filing and current priority date of the present application. For this additional reason, it is respectfully requested that the rejection be withdrawn.

Claims 11-13, 24-34, 36, and 38-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Patent Application Publication No. 2003/0078031 of Masuda ("Masuda"). Applicant notes that there was some inconsistency with respect to the rejections of claims 24-33 and 38-47: they are listed as rejected the combination of Liu and Masuda, but the detailed explanation directs the reader to the rejections of claims 1-4, 6-8, and 15-23, none of which were rejected under such a combination of references. Clarification of the rejection is requested, if the rejection is – for any reason – to be maintained. The Office Action asserted that Liu discloses many features of the claims, but cited Masuda to remedy various deficiencies of Liu. Applicant respectfully traverses this rejection.

At least some of the deficiencies of Liu with respect to claim 1 are discussed above. Independent claims 24 and 47 each have their own scope (which is highlighted by the fact that they have been rejected separately from claim 1), but each recite at least some features similar to those discussed above, with respect to claim 1 and for which Liu is deficient. Likewise, claims 11-13, 25-34, 36, and 38-46 depend from, and further limit, claims 1 and 24. Masuda fails to remedy the above-identified deficiencies of Liu,

and consequently the combination of Liu and Masuda fails to disclose or suggest all of the elements of any of the presently pending claims.

Masuda generally relates to a communication system. More specifically, Masuda discusses a communication system capable of conducting multiple pre-paid mobile telephone services at the same time for one user. Both because of this general nature of the disclosure, and because Masuda was only cited with respect to media stream control issues, it is unsurprising that Masuda fails to remedy the deficiencies of Liu, which are discussed at length above.

Furthermore, as discussed above with respect to the alleged combination of Liu and Masuda, the same combinatorial issues exist with respect to any alleged combination of Liu and Masuda that would include real-time playback functionality or media stream/streaming media features. Briefly, because Liu relates to e-books, there would be no reason or incentive to make Liu include any real-time playback (since e-books are not conventionally presented in real-time formats) or in streaming media (since e-books are not ordinarily particularly time sensitive). Thus, it is respectfully submitted that Masuda cannot remedy the deficiencies of Liu, and it is respectfully requested that the rejection of claims 11-13, 24-34, 36, and 38-47 be withdrawn.

Claims 5 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Patent Application Publication No. 2003/0216145 of Cox et al. ("Cox"). The Office Action took the position that Liu discloses most of the features of

the claims, but cited Cox to remedy certain deficiencies of Liu with respect to the further limitations of the claims. Applicant respectfully traverses this rejection.

Claims 5 and 9 depend from and further limit claim 1. At least some of the deficiencies of Liu with respect to claim 1 are discussed above. Cox does not remedy the above-identified deficiencies of Liu, and consequently the combination of Cox and Liu fails to disclose or suggest all of the elements of any of the presently pending claims.

Cox generally relates to a method of providing directional assistance to a telephone subscriber. More specifically, Cox generally aims to improve directory assistance by overcoming problems associated with directory assistance services. Cox was cited only with respect to the further limitations of claims 5 and 9. Accordingly, it is unsurprising that Cox fails to remedy the above-identified deficiencies of Liu.

Because Cox fails to remedy the above-identified deficiencies of Liu, the combination of Liu and Cox fails to disclose or suggest all of the elements of claims 5 and 9, and it is respectfully requested that the rejections of claims 5 and 9 be withdrawn.
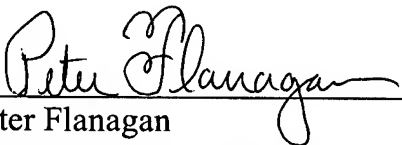
For the reasons set forth above, it is respectfully submitted that each of claims 1-34 and 36-47 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-34 and 36-47 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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